

FILED  
JAMES BONINI  
CLERK

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

2010 JUL 27 P 3:35  
U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EASTERN DIV. COLUMBUS

FARRELL HAMMILL,  
2390 McCoy Road  
Columbus, Ohio 43220

Plaintiff,

v.

THE OHIO STATE UNIVERSITY  
205 Bricker Hall  
190 North Oval Mall  
Columbus, Ohio 43210-1357

Case No.:

**2 : 10 cv 666**

Judge:

**JUDGE SARGUS**

Magistrate Judge:

**MAGISTRATE JUDGE DEEVERS**

Complaint

Jury Demand Endorsed Hereon

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For his Complaint, Plaintiff Farrell Hammill ("Plaintiff") states as follows:

**Parties**

1. Plaintiff is a resident of the State of Ohio.
2. The defendant, The Ohio State University ("Defendant"), is a state university doing business in the State of Ohio. Defendant is an "employer" as defined by 42 U.S.C. §2000(e) *et seq.* ("Title VII").

**Jurisdiction and Venue**

3. This actions arises under Title VII.

4. This Court has jurisdiction over this claim pursuant to Title VII, as well as 28 U.S.C. §§1331 and 1343.
5. Defendant conducts business in the Southern District of Ohio, Eastern Division. All activities which are the subject of this Complaint took place in this District, and venue is proper pursuant to 28 U.S.C. §1391(b).
6. Plaintiff timely filed a charge of discrimination with the Equal Employment Opportunities Commission (“EEOC”).
7. Plaintiff received the Right to Sue letter from the EEOC on April 30<sup>th</sup>, 2010, attached hereto as Exhibit A.

#### **Facts**

8. Plaintiff has worked for Defendant as a Library Associate I since in or around April 2000.
9. During all relevant times, Plaintiff was qualified to perform the duties of his position.
10. Plaintiff’s supervisors, Terry Camelford and Trisha Davis, have regularly harassed and discriminated against Plaintiff on the basis of his gender, male, by taking the following non-exhaustive list of actions: denying him flex time; denying him the opportunity to take university-subsidized courses; disciplining him on numerous occasions for infractions that either did not occur or were not sufficient to warrant discipline; requiring him to sign in and out for restroom breaks; denying him vacation leave time; and otherwise discriminating against him in the terms and conditions of his employment.

11. Similarly-situated female employees were not subjected to the same treatment or indignity as Plaintiff.
12. Plaintiff complained about the discriminatory treatment to Human Resources.
13. Defendant retaliated against Plaintiff for complaining about discrimination by disciplining him.
14. Plaintiff requested mediation, transfers, and promotion on numerous occasions but was denied.

### **Count I**

#### **Gender Discrimination in Violation of Title VII**

15. Plaintiff realleges the foregoing paragraphs as if fully rewritten herein.
16. Plaintiff is a male and was qualified for his position at all times relevant herein.
17. Defendant discriminated against Plaintiff on the basis of his gender by taking the following non-exhaustive list of actions: denying him flex time; denying him the opportunity to take university-subsidized courses; disciplining him on numerous occasions for infractions that either did not occur or were not sufficient to warrant discipline; requiring him to sign in and out for restroom breaks, denying him vacation leave time; and otherwise discriminating against him in the terms and conditions of his employment.
18. Similarly-situated female employees were not subjected to the same treatment or indignity as Plaintiff.

19. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered and will continue to suffer economic and non-economic damages, including but not limited to pain and suffering and the loss of salary, benefits and other terms, privileges and conditions of employment for which Defendant is liable.
20. Defendant's conduct was willful, wanton, reckless and/or malicious for which Defendant is liable for punitive damages and reasonable attorney fees and costs.
21. At all times material herein, Defendant acted in conscious and/or reckless disregard for Plaintiff's rights, with great probability that its acts and omissions would cause substantial harm to Plaintiff.

## **Count II**

### **Retaliation in Violation of Title VII**

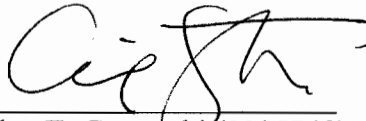
22. Plaintiff realleges the foregoing paragraphs as if fully rewritten herein.
23. Plaintiff engaged in a protected activity with he complained of gender discrimination to Human Resources.
24. Shortly after Plaintiff's complaints, Defendant improperly disciplined Plaintiff in retaliation for engaging in a protected activity.
25. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered and will continue to suffer economic and non-economic damages, including but not limited to pain and suffering and the loss of salary, benefits and other terms, privileges and conditions of employment for which Defendant is liable.
26. Defendant's conduct was willful, wanton, reckless and/or malicious for which Defendant is liable for punitive damages and reasonable attorney fees and costs.

27. At all times material herein, Defendant acted in conscious and/or reckless disregard for Plaintiff's rights, with great probability that its acts and omissions would cause substantial harm to Plaintiff.

**Prayer for Relief**

WHEREFORE, Plaintiff demands the equitable relief of transfer and the cleansing of his disciplinary record; and monetary damages including back pay and benefits, front pay and benefits, compensatory damages, punitive damages, pre-judgment interest, post-judgment interest, costs, attorney fees and such other relief as the Court may deem just and proper.

Respectfully submitted,

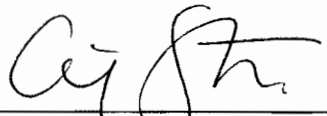


Carolyn E. Gutowski (0085748)  
Attorney at Law  
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Columbus, Ohio 43215  
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Telephone: (614) 551-0413  
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*Counsel for Plaintiff*

**JURY DEMAND**

Plaintiff hereby demands a jury trial by the maximum persons permitted by law on all issues herein triable to a jury.



Carolyn E. Gutowski (0085748)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Farrell D. Hamill**  
**2390 Mccoy Rd.**  
**Columbus, OH 43220**

From: **Indianapolis District Office**  
**101 West Ohio St**  
**Suite 1900**  
**Indianapolis, IN 46204**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**22A-2009-00995**

**Randy G. Poynter,**  
**Enforcement Supervisor**

**(317) 226-5670****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

**APR 27 2010**

Enclosures(s)

**Darryl G. Harter,**  
**Director**

(Date Mailed)

cc: **Meaghan M. McCurdy, Esq.**  
**Habash & Reasoner LLP**  
**471 East Broad Street; 15th Floor**  
**Suite 1520**  
**Columbus, OH 43215**

**Michael A. Moses, Attorney**  
**Michael A. Moses Law Offices, L.L.C.**  
**330 South High Street**  
**Columbus, OH 43215-4510**



Enclosure with EEOC  
Form 161 (11/09)

**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
the Genetic Information Nondiscrimination Act (GINA), or the Age  
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**